

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT MITCHELL,

Plaintiff,

v.

NURSE DIAZON,

Defendant.

CASE NO. C10-2075RAJ

ORDER

This matter comes before the court on the Report and Recommendation (Dkt. # 28) of the Honorable Brian A. Tsuchida, United States Magistrate Judge. The court has considered the Report and Recommendation and the underlying record. The court notes that no one objected to the Report and Recommendation.

The court's review of the Report and Recommendation shows that there are two independent bases for granting summary judgment against Plaintiff's remaining claims. The court agrees that either basis is a ground for granting summary judgment and dismissing this case.

The court accordingly orders as follows:

- 1) The court ADOPTS the Report and Recommendation, which recommends granting Defendant's motion for summary judgment.
- 2) The clerk shall DISMISS this case with prejudice and enter judgment for Defendant.

1 3) This dismissal shall count as a “strike” in accordance with 28 U.S.C.
2 § 1915(g).

3 4) The Clerk shall send copies of this order to the parties and to Judge Tsuchida.

4 Dated this 20th day of December, 2011.

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7 The Honorable Richard A. Jones
8 United States District Court Judge
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